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OFFICE OF PETITIONS

In re Application of :
William Stephens : DECISION ON PETITION
Application No. 10/645,379 :
Filed: 22 August, 2003 :
Atty Docket No. 1306 :

This is a decision on the renewed petition under 37 CFR 1.137(b),¹ filed on 19 January, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on 29 June, 2005, for failure to timely file the issue and publication fees, in response to the Notice of Allowance and Fee(s) Due, and corrected drawings, in response to the Notice of Allowability, both mailed on 28 March, 2005. The petition filed on 13 July, 2005, was dismissed on 12 December, 2005. The filing of present petition precedes the mailing of Notice of Abandonment.

The draftsperson has determined that the corrected drawings are acceptable.

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The application is being forwarded to the Publishing Division for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.



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